

# FINAL BILL REPORT

## SSB 5531

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Synopsis as Enacted

**Brief Description:** Reimbursing counties for providing judicial services involving mental health commitments.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators King, Prentice, Keiser and Shin).

**Senate Committee on Human Services & Corrections**  
**Senate Committee on Ways & Means**  
**House Committee on Judiciary**  
**House Committee on Ways & Means**

**Background:** A person may be detained for involuntary commitment if a designated mental health professional finds, following investigation, that due to a mental disorder the person presents a likelihood of serious harm or is gravely disabled. Detention for longer than a 72-hour period requires court review and the detained individual is afforded an array of due process protections including the right to counsel, confrontation of witnesses, and a jury trial under certain circumstances.

Detention for civil commitment occurs at an evaluation and treatment facility (E&T). Twelve counties in Washington have E&Ts. These E&Ts are found in nine of the 13 Regional Support Networks (RSNs). Because E&T resources are not spread evenly across the state, counties which have E&Ts frequently serve patients who were detained outside of the county and RSN where the E&T is located. An estimated 38 percent of all civil commitment cases filed in 2009 were filed outside the RSN where the patient was originally detained.

An RSN currently reimburses counties for the judicial costs of civil commitment in two ways. First, the RSN pays a filing fee of \$230 of which 54 percent is retained by the county and 46 percent is transmitted to the state. Second, many RSNs pay direct reimbursement fees to the counties which host civil commitment hearings. All reimbursement funds are paid using non-Medicaid funding. In revenue and expenditure reports filed with the Department of Social and Health Services, the RSNs reported spending \$4.3 million on judicial costs in fiscal year 2009 and \$6.5 million in fiscal year 2010. A survey distributed to counties in 2010 suggests that the actual cost of providing judicial services in civil commitment cases was an estimated \$6.6 million in calendar year 2009.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary:** A county may seek reimbursement from its RSN for its cost of providing judicial services. The RSN in which the patient resides must reimburse the RSN which serves the county of commitment. The rate of reimbursement for each county must be based on an average of actual expenditures within the county over the past three years. The Joint Legislative Audit & Review Committee must conduct an independent assessment of the county judicial costs in all counties which had at least 20 involuntary commitment cases in the previous year. This independent assessment must include a review and analysis of the reasons for cost differences between the counties and a recommendation as to how the costs may be updated in the future. No filing fee may be assessed for any commitment case subject to reimbursement under this act. The judicial costs related to 180-day civil commitment hearings at the state hospitals are excluded from reimbursement procedures. Maintenance-of-effort funds paid by counties to support the judicial services of involuntary commitment must be expended for other purposes that further treatment for mental health and chemical dependency disorders.

**Votes on Final Passage:**

Senate	43	5	
House	95	0	(House amended)
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** July 22, 2011 (Section 3).  
July 1, 2012.